ORDINANCE NO. 1995

AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE CHAPTER 5.24 ADULT BUSINESSES

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. Chapter 5.24 was established in 1981 and is currently out of date in regards to the definition of what is currently considered an "Adult Business".

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.24 regulating Adult Businesses is hereby amended to read as follows:

Chapter 5.24
ADULT BUSINESSES

Sections:

5.24.010 Purpose.

5.24.020 Definitions.

5.24.030 Regulations for adult businesses.

5.24.040 License--Required.

5.24.050 License--Period.

5.24.060 License--Fees.

5.24.010 Purpose.

It is recognized that the presence of certain "adult businesses" within the community of Central Point may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to adult businesses are necessary to preserve the integrity of existing commercial areas of the city, and to protect the character, safety and stability of residential areas that are in close proximity to such commercial areas. The purpose of this section is to establish regulations applicable to adult businesses, as defined in the Oregon Revised Statutes and in Section 5.24.020 of this chapter.

5.24.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

A. "Adult business" includes any adult arcade, adult bookstore, adult cabaret, adult theater, ~~massage parlor~~, sexual encounter center, ~~body painting studio, modeling studio,~~

~~adult hotel or motel, topless or nude bars,~~ or other businesses which are characterized by an emphasis on sexually explicit material dealing with "specified anatomical areas" and/or "specified sexual activities," as defined in this section.

B. "Specified Anatomical Areas" means:

1. Less than completely and opaquely covered:

a. Human genitals, pubic region;
b. Buttocks; and
c. ~~Female breast below a point immediately above the top of the areola~~ **One or both female breasts without a circular covering, centered on the nipple that is at least three inches in diameter and does not simulate the organ covered**; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal; and/or

2. Acts of human masturbation, sexual intercourse, sodomy, sexual stimulation or arousal; and/or

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

~~D. "Adult arcade" means any movie or game arcade which is not customarily open to the general public, but which excludes minors as a legal or prevailing business practice.~~

D~~E~~. "Adult bookstore" means any store having a significant portion of its stock in trade, books, magazines, newspapers, or other printed or written material or any pictures, drawings, photographs, motion pictures, or other pictorial representations which are distinguished by their emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," as defined in this section.

E~~F~~. "Adult cabaret" ~~means a nightclub, adult theater, bar, or other establishment which features topless dancers, nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any establishment which features such activities~~ **is an establishment having as its primary attraction live exhibition (either for direct viewing, closed circuit viewing, or viewing through a transparent partition) for patrons either individually or in groups, where a substantial portion of the material presented is characterized by an emphasis on "specified anatomical areas" or "specified sexual activities"** and excludes minors as a legal or prevailing business practice.

~~F~~G. "Sexual encounter center" means any business, agency, or person who, for any form of consideration or gratuity, provides a place where persons may congregate, assemble or associate for the purpose of engaging in ~~sexual conduct~~ **"specified sexual activities".**

~~H. "Adult hotel" or "adult motel" means any hotel or motel which provides, through closed circuit television or other media, material which is distinguished or characterized by the emphasis on matter depicting or describing or related to "specified sexual activities" or "special anatomical areas," or any hotel or motel having hourly rates and excluding minors as a legal or prevailing business practice.~~

~~I. "Massage parlor" means any establishment that provides personal massage and is not a part of or directly related to a licensed medical or physical therapy facility.~~

~~J. "Modeling studio" means any establishment in which figure models are provided to display "specified anatomical areas" for the purpose of being observed, sketched, painted, sculptured, photographed, or similarly depicted, and which excludes minors as a legal or business practice.~~

~~K.~~ **G.** "Adult theater" means any theater or similar facility which is used **primarily** for presenting material ~~distinguished or characterized by~~ **with** an emphasis on matter depicting, describing or relating to "specified anatomical areas" or "specified sexual activities," for observation by patrons therein.

H. "Significant or substantial portion" means more than 25 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 25 percent of the establishment's gross sales per month, whether wholesale or retail.

5.24.030 Regulations for adult businesses.

A. Adult businesses may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the business is proposed, and in accordance with the following regulations:

1. The proposed use complies with all requirements set forth for the issuance of a conditional use permit;

2. The lot on which the business is proposed to be located is classified C-5 (thoroughfare commercial);

3. The subject lot is not within two hundred feet of the nearest residential (R) zoning district;

4. The lot is not within five hundred feet of any lot upon which there is located a church, educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child care center, a mobile home park, or any other public facility which is customarily utilized by minors;

5. The lot is not within one thousand feet of any lot upon which there is located another adult business;

6. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;

7. The business shall be permitted an identification sign but shall not exhibit advertisements, displays, or any other promotional or advertising materials that may be visible to the public outside the structure;

8. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;

9. No adult business, as defined in this chapter, shall be kept open for business between the hours of ten p.m. and ten a.m., except as specifically permitted by the terms of the conditional use permit.

~~B. The planning commission may, at its discretion, conduct a poll or survey of residents and property owners in the vicinity of a proposed adult business if such poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed adult business.~~

B ~~C~~. Applicants for licenses under this chapter must file with the city recorder a sworn application in writing for the license which shall give the following information:

1. The name of the applicant;
2. Permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and goods to be sold, if any;
4. Length of time for which the right to do business is desired;
5. The location of the proposed adult business.

C ~~D~~. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed two hundred dollars or by imprisonment not to exceed thirty days, or by both such fine or by imprisonment.

5.24.040 License--Required.

No person, or his employee or agent, shall engage in or conduct within the city any adult business unless the license fee has been paid and a license issued as provided herein.

5.24.050 License--Period.

License for adult businesses shall be for semi-annual periods commencing on July 1st and January 1st of each year. No license fee shall be for less than the full six-month quarter semi-annual period.

5.24.060 License--Fees.

The license fee to be charged by the city designee for an adult business license shall be as set forth in the City of Central Point Business License Fee Schedule

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

Passed by the Council and signed by me in authentication of its passage this 11th September ~~day of~~ _____, 2014.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. 1995 (091114)